

PETITION OF APPEAL FROM DECISION OF
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY _____ AMOUNT OF FEE _____

RECEIPT # _____

DATE HEARD: 11 /25 /03

BY CZAB # 14

RECEIVED
DEC 11 2003

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____ DATE RECEIVED STAMP

Adriana Guerra

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. Z03-150

Filed in the name of (Applicant) FRV Development

Name of Appellant, if other than applicant FRV Development

Address/Location of APPELLANT'S property: 290 feet north of SW 184 St.
and east of theoretical SW 109 Avenue

Application, or part of Application being Appealed (Explanation):

Please see attached letter of intent to appeal

Appellant (name): FRV Development
hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:
(State in brief and concise language)

Please see attached letter of intent to appeal

APPELLANT MUST SIGN THIS PAGE

Date: _____ day of _____, year: _____

Signed _____

Print Name

Mailing Address

Phone

Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

FRV Development

Representing


Signature

Henry Forero, President

Print Name

c/o Tony Recio, Esq.
2665 S. Bayshore Drive, #420

Address

Miami

FL

33133

City

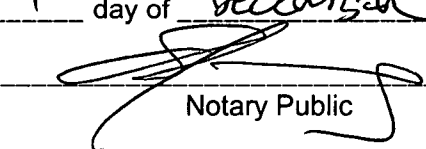
State

Zip

(305)854-0800

Telephone Number

Subscribed and Sworn to before me on the 4th day of December, year 2003


Notary Public

(stamp/seal)



Carmen Siman Fernandez
My Commission DD247270
Expires September 04, 2007

Commission expires:

APPELLANT'S AFFIDAVIT OF STANDING

(must be signed by each Appellant)

STATE OF Florida

COUNTY OF Miami-Dade

Before me the undersigned authority, personally appeared Henry Forero on behalf of
FRV Development
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☒ 1. Participation at the hearing
☒ 2. Original Applicant
☒ 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Signature

Mauricio J. Siman

Print Name

Gerald Espinoza

Signature

Print Name

Appellant's signature

Henry Forero

Print Name

Sworn to and subscribed before me on the 4th day of December, year 2003

Appellant is personally know to me or has produced _____ as
identification.

Notary
(Stamp/Seal)

Commission Expires:



Carmen Siman Fernandez
My Commission DD247270
Expires September 04, 2007

| | | |
|--|--|--|
| | | |
|--|--|--|

Sec. Twp. Range

**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

RECEIVED
203-150
MAY 7 - 2003

ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY DS

LIST ALL FOLIO #S: 30-5031-000-0410, 30-5031-000-0460 Date Received

- 1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

FRV Development

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 10600 SW 127 Street
City: Miami State: FL Zip: 33176 Phone#: (305) 606-8178

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): SAME
Mailing Address: 10600 SW 127th Street
City: Miami State: FL Zip: 33176 Phone#: (305) 606-8178

4. CONTACT PERSON'S INFORMATION:

Name: Henry Forero Company: FRV Development
Mailing Address: 10600 SW 127 Street
City: Miami State: FL Zip: 33176
Phone#: (305) 606-8178 Fax#: (305) 255-0007 E-mail: Henry@FRV.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets, as needed).

The west 1/2 of the west 1/2 of SE 1/4 of the
SE 1/4 less the South 290 Feet and less
the North 534.189 Feet and less the West
25 Feet thereof in Section 31, Township 55
South, Range 40 East, lying in Miami-Dade
County, Florida

6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

290' N. SW 184 ST + EAST OF SW
109 AVE

7. SIZE OF PROPERTY (in acres): 4 (divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☐ acquired ☐ leased: 3/03 9. Lease term: _____ years
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property.

NO

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?
☒ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: AU

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

(DBC's require special exception to permit site plan approval unless rezoning 3 acres or less to residential categories)

☒ District Boundary Changes (DBC) [Zone class requested]: RUM

☐ Unusual Use: _____

☐ Use Variance: _____

☐ Alternative Site Development: _____

☐ Special Exception: _____

☐ Modification of previous resolution/plan: _____

☐ Modification of Declaration or Covenant: _____

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.
If yes, provide applicant's name, and date, purpose and results of hearing, and resolution number:

15. Is this hearing is as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: _____ and describe the violation:

16. Describe structures on the property: NONE

17. Is there any existing use on the property? ☒ no ☐ yes. If yes, what use and when established?
Use: _____ Year: _____

RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning applications which may affect the scheduling and outcome of applications. These reviews may require additional public hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. The South Florida Building Code requirements may affect my ability to obtain a building permit even if my zoning application is approved; and that a building permit will probably be required. I am responsible for obtaining permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use and Occupancy must be obtained for the use of the property after it has been approved at Zoning Hearing, and that failure to obtain the required permits and/or Certificates of Completion or of Use and Occupancy will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of covenants. This is not a final decision and the County Attorney's Office is seeking further review. In the interim, the County Attorney's Office is working with the Planning and Zoning Department's professional staff to develop new standards that will address the Court's concerns. While the new standards are being developed, applicants are advised that any non-use variance, special exception, unusual use, new use requiring a public hearing or request for modification of covenants granted under the existing standards are subject to being reversed in the courts. An applicant wishing to avoid the substantial legal risks associated with going forward under the existing standard may seek a deferral until the new standards are developed..
6. Any covenant to be proffered must be submitted to the Department's Legal Counsel, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. And that Legal Counsel can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Counsel must carry a cover letter indicating subject matter, application number and hearing date. Legal Counsel may be reached at (305) 375-3075

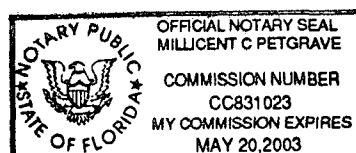
(Applicant's Signature)

(Print Name)

Sworn to and subscribed before me this 6th day of May, 2003. Affiant is personally known to me or has produced FDL F660-380-65-102-0 as identification.

(Notary Public)

My commission expires _____



APPLICANT'S AFFIDAVIT

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

Signature

Signature

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

CORPORATION AFFIDAVIT

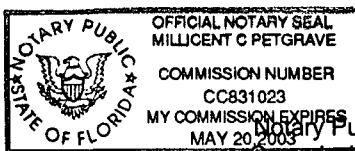
(I)(WE), Henry Forevo, being first duly sworn, depose and say that (I am)(we are) the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☒ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

Office Held

(Corp. Seal)



Sworn to and subscribed to before me
this 6th day of May, 2003.

Notary Public: Millicent C. Petgrave
Commission Expires: 5/20/2003

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.

By _____ %
By _____ %

(Name of Partnership)

By _____ %
By _____ %

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

ATTORNEY AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Signature

Sworn to and subscribed to before me
this _____ day of _____, _____.

Notary Public: _____
Commission Expires: _____

OWNERSHIP AFFIDAVIT
FOR
CORPORATION

STATE OF Florida

Public Hearing No. _____

COUNTY OF Dade

Before me, the undersigned authority, personally appeared Henry Fovers,
hereinafter the Affiant(s), who being first duly sworn by me,
on oath, deposes and says:

1. Affiant is the president, vice-president or CEO of the Henry Fovers
FRV Development Corporation, with the following address:
10600 SW 127th St Miami, Florida 33176
2. The Corporation owns the property, which is the subject of the proposed hearing.
3. The subject property is legally described as:

4. Affiant is legally authorized to file this application for public hearing.
5. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

Witnesses:

Signature

Print Name

Signature

Print Name

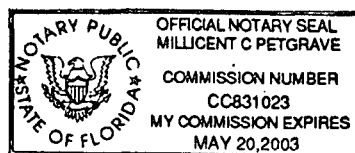
Affiant's signature

Print Name

Sworn to and subscribed before me on the 6th day of May, 2003.
Affiant is personally known to me or has produced FDL # F660-350-65-102-0 as
identification.

Notary Public, State of Florida

My Commission Expires: 5/20/2009



X

DISCLOSURE OF INTEREST*

If a **CORPORATION** owns or leases the subject property, list principal stockholders and percent of stock owned by each. [Note: Where principal officers or stockholders consist of other corporation(s), trust(s), partnership(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

CORPORATION NAME: FRV Development

| <u>NAME AND ADDRESS</u> | <u>Percentage of Stock</u> |
|-------------------------|----------------------------|
| <u>Henry Forero</u> | <u>33 1/3 %</u> |
| <u>Martin Rodriguez</u> | <u>33 1/3 %</u> |
| <u>Eowin Villegas</u> | <u>33 1/3 %</u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |

If a **TRUST or ESTATE** owns or leases the subject property, list the trust beneficiaries and percent of interest held by each. [Note: Where beneficiaries are other than natural persons, further disclosure shall be made to identify the natural persons having the ultimate ownership interest].

TRUST/ESTATE NAME:

| <u>NAME AND ADDRESS</u> | <u>Percentage of Interest</u> |
|-------------------------|-------------------------------|
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |

If a **PARTNERSHIP** owns or leases the subject property, list the principals including general and limited partners. [Note: Where partner(s) consist of other partnership(s), corporation(s), trust(s) or similar entities, further disclosure shall be made to identify the natural persons having the ultimate ownership interests].

PARTNERSHIP OR LIMITED PARTNERSHIP NAME:

| <u>NAME AND ADDRESS</u> | <u>Percent of Ownership</u> |
|-------------------------|-----------------------------|
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |
| <u> </u> | <u> </u> |

If there is a **CONTRACT FOR PURCHASE** by a Corporation, Trust or Partnership, list purchasers below, including principal officers, stockholders, beneficiaries or partners. [Note: Where principal officers, stockholders, beneficiaries or partners consist of other corporations, trusts, partnerships or similar entities, further disclosure shall be made to identify natural persons having ultimate ownership interests].

NAME OF PURCHASER: _____

| NAME, ADDRESS AND OFFICE (if applicable) | Percentage of Interest |
|--|------------------------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Date of contract: _____

If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership or trust:

NOTICE: For changes of ownership or changes in purchase contracts after the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest is required.

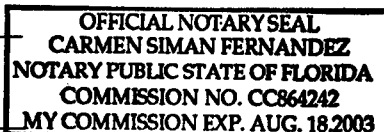
The above is a full disclosure of all parties of interest in this application to the best of my knowledge and belief.

Signature: _____

(Applicant)

Sworn to and subscribed before me this 8 day of May, 2003. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)



My commission expires _____

*Disclosure shall not be required of: 1) any entity, the equity interests in which are regularly traded on an established securities market in the United States or another country; or 2) pension funds or pension trusts of more than five thousand (5,000) ownership interests; or 3) any entity where ownership interests are held in a partnership, corporation or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership and where no one (1) person or entity holds more than a total of five per cent (5%) of the ownership interest in the partnership, corporation or trust. Entities whose ownership interests are held in a partnership, corporation, or trust consisting of more than five thousand (5,000) separate interests, including all interests at every level of ownership, shall only be required to disclose those ownership interest which exceed five (5) percent of the ownership interest in the partnership, corporation or trust.

WARRANTY DEED

THIS WARRANTY DEED made this 2 day of March, 2003, by John Stuart Tyrell, and Sheila Tyrell, his wife, hereinafter called the Grantor, to FRV DEVELOPMENT, LLC, hereinafter called the Grantee, whose post office address is

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals and the successors and assigns of corporation.)

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in Miami-Dade County, Florida, viz:

West 1/2 of West 1/2 of SE 1/4 of SE 1/4, less the North 799 18 feet and the South 290 feet, lying in Section 31, Township 55, South, Range 40 East, as recorded in the Public Records of Dade County, Florida.

Subject to conditions, restrictions and easements of record.

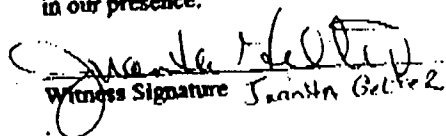
TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

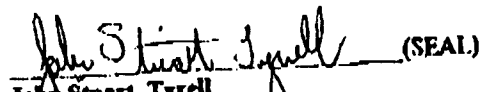
TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2002.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed the date above written.

Signed, sealed and delivered
in our presence:


Witness Signature Janette Geller

 (SEAL)
John Stuart Tyrell
2451 N. W. Windemere Dr.
Jensen Beach, FL 34957

Warranty Deed from John Stuart Tyrell and Sheila Tyrell to
FRV Development, LLC

Maureen C. Jenner
Witness Printed Name
Maureen C. Jenner

Megan Lane
Witness Signature Megan Lane

Sheila Tyrell (SEAL)
Sheila Tyrell
2451 N. W. Windemere Dr.
Jensen Beach, FL 34957

Rachel Ortiz - Rachel Ortiz
Witness Printed Name

STATE OF FLORIDA

COUNTY OF MARTIN

I HEREBY CERTIFY that on this day, before me, an officer authorized in the State and County aforesaid to take acknowledgments, personally appeared John Stuart Tyrell and Sheila Tyrell, each of whom produced his/her Florida driver's license as identification and who executed the foregoing Warranty Deed and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2 day of March, 2003. FIDB Filed 1/17/09 10:22:00
FILED 1/17/09 10:22:00

My Commission Expires:

Notary Public

Juanita Geller
Juanita Geller



Juanita Geller
MY COMMISSION # DD148864 EXPIRES
September 9, 2006
BONDED THRU TROY FARM INSURANCE, INC.

This instrument prepared by:
Susan E. Durre', Esq.
4675 Ponce de Leon Blvd., #302
Coral Gables, FL 33146

Prepared by and return to:

Gilbert A. Contreras, P.A.
255 Alhambra Circle Suite 425
Miami, FL 33134
305-529-9330
File Number: Gs03-118
Will Call No.:

Grantee S.S. No.
Parcel Identification No. 30-503-000-010

[Space Above This Line For Recording Data]

Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 16th day of April, 2003 between PG & Associates, Inc., a Florida corporation whose post office address is 782 NW Lejeune Rd., Suite 340, Miami, FL 33126 of the County of Miami-Dade, State of Florida, grantor*, and FRV Development LLC, a Florida Limited Liability Company whose post office address is 10600 SW 127 Street, Miami, FL 33176 of the County of Miami-Dade, State of Florida, grantee*.

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Miami-Dade County, Florida, to wit:

The South 265 feet of the North 799.189 feet of the West 1/2 of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 less the West 25 feet in Section 31, Township 55 South, Range 40 East, of the Public Records of Miami-Dade County, Florida.


and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.


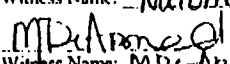
* "Grantor" and "Grantee" are used for singular or plural, as context requires.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

PG & Associates, Inc.

By: 
Juan Gonzalez
President

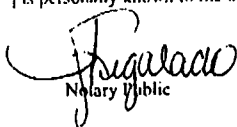

Witness Name: Naomi Cash

Witness Name: M. De Arment

(Corporate Seal)

State of Florida
County of Miami-Dade

The foregoing instrument was acknowledged before me this 16th day of April, 2003 by Juan Gonzalez, President of PG & Associates, Inc., on behalf of the corporation. He/she [] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]


Notary Public

Printed Name: _____

My Commission Expires: _____

Warranty Deed from John Stuart Tyrell and Sheila Tyrell to
FRV Development, LLC

Maureen C. Jenner
Witness Printed Name
Maureen C. Jenner

Megan Lane
Witness Signature
Megan Lane

Sheila Tyrell (SEAL)
Sheila Tyrell
2451 N. W. Windemere Dr.
Jensen Beach, FL 34957

Rachel Ortiz
Witness Printed Name
Rachel Ortiz

STATE OF FLORIDA

COUNTY OF MARTIN

I HEREBY CERTIFY that on this day, before me, an officer authorized in the State and County
aforesaid to take acknowledgments, personally appeared John Stuart Tyrell and Sheila Tyrell, each of
whom produced his/her Florida driver's license as identification and who executed the foregoing
Warranty Deed and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 22 day of
March, 2003.

My Commission Expires:

Notary Public



Juanita Geller
MY COMMISSION # DD148864 EXPIRES
September 9, 2006
BONDED THROUGH TROY FAIN INSURANCE, INC.

This instrument prepared by:
Susan E. Durre', Esq.
4675 Ponce de Leon Blvd., #302
Coral Gables, FL 33146